UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,860	10/30/2003	Terrence Anton	10052-001	9768

29391 7590 11/24/2004

BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A.
390 NORTH ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

EXAMINER	
GRAHAM, MARK S	

ART UNIT	PAPER NUMBER
3711	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CS

Office Action Summary	Application No.	Applicant(s)	
	10/697,860	ANTON ET AL.	
	Examiner	Art Unit	
	Mark S. Graham	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-64* is/are pending in the application.

4a) Of the above claim(s) *1-21 and 52-64* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/13/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Applicant's election with traverse of claims 22-51 in the reply filed on 9/2/04 is acknowledged. The traversal is on the ground(s) that the claimed inventions are not independent and distinct. This is not found persuasive because of the reasons set forth in the previous action. Merely because each invention relates to golf does not remove the independence and distinctness as set forth in the previous action.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-21 and 52-64 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/2/04.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22, 23, and 25-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Trasko.

Claims 22, 24, 39, 42, 43, and 50 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dumas.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trasko in view of Shaw et al. (Shaw). Trasko discloses the claimed device with the exception of the irrigation layout. However, as disclosed by Shaw such are known in the art and it would have been obvious to have provided one on Trasko's course as well for its inherent purpose.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trasko in view of Taniguchi et al. (Taniguchi). Trasko discloses the claimed device with the exception of the lighting layout. However, as disclosed by Taniguchi such are known in the art and it would have been obvious to have provided one on Trasko's course as well for its inherent purpose.

Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trasko in view of Shaw and Taniguchi. Trasko discloses the claimed device with the exception of the irrigation and lighting layout. However, as disclosed by Shaw and Taniguchi respectively, such are known in the art and it would have been obvious to have provided them on Trasko's course as well for their inherent purposes.

Claims 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trasko. Trasko discloses the claimed deviced with the exception of some of the golf course details recited by the applicant in claims 31 and 33. However, the examiner takes official notice that golf courses commonly possess mounded areas; and color coded tee boxes to provide obstacles and to provide different teeing points for golfers of differing ability respectively. It would have been obvious to one of ordinary skill in the art to have included such with Trasko's course as well for the same reasons.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trasko in view of Benson. Trasko discloses the claimed device with the exception of the colored tee areas. However, as disclosed by Benson it is known in the art to use such. It would have been obvious to one of ordinary skill in the art to have used such for Trasko's tee areas as well to make it easy to identify them. Regarding the synthetic material the examiner takes official notice that it is well known to use artificial turf for tee areas to prevent the area from being worn out such as occurs when natural turf is used. It would have been obvious to one of ordinary skill in the art to have used such material on Trasko's tee areas for the same reason.

Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trasko in view of Armstrong, III et al. (Armstrong). Trasko discloses the claimed device with the exception of the target. However, it is known in the golf art to use such targets for golf games as disclosed by Armstrong. It would have been obvious to one of ordinary skill in the art to have used such on Trasko's course as well to play a game such as that disclosed by Armstrong.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 35 above, and further in view of Hubbard. Claim 38 is obviated for the reasons set forth in the claim 35 rejection with the exception of the grandstand with manikins. However, as disclosed by Hubbard it is known in the art to use a grandstand at golf courses for spectators. It would have been obvious to one of ordinary skill in the art to have used such at Trasko's course for the same reason. As for the manikins, the examiner takes official notice that it is commonly known to use manikins in grandstand

settings to help "fill out" a crowd for movie or television shooting purposes. It would have been obvious to one of ordinary skill in the art to have done the same with Hubbard's grandstand for the same reason.

Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumas.

Regarding claim 40, the examiner takes official notice that golf courses are commonly provided with extra space and swimming pools in country club settings to provide various activities. It would have been obvious to one of ordinary skill in the art to have provided Dumas' course in the same manner for the same reason.

Concerning claim 41, Dumas does not place limits on the size of his golf course. However, the examiner takes official notice that is commonly known to provide golf courses in a shrunken form to save space and it would have been obvious to one of ordinary skill in the art to have done the same with Dumas' course.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dumas in view of Shaw et al. (Shaw). Dumas discloses the claimed device with the exception of the irrigation layout. However, as disclosed by Shaw such are known in the art and it would have been obvious to have provided one on Dumas' course as well for its inherent purpose.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 44 above, and further in view of Taniguchi. Claim 45 is obviated for the reasons set forth in the claim 44 rejection with the exception of the lighting layout.

However, as disclosed by Taniguchi such are known in the art and it would have been obvious to have provided one on Dumas' course as well for its inherent purpose.

Claims 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumas in view of Armstrong, III et al. (Armstrong). Dumas discloses the claimed device with the exception of the target. However, it is known in the golf art to use such targets for golf games as disclosed by Armstrong. It would have been obvious to one of ordinary skill in the art to have used such on Dumas' course as well to play a game such as that disclosed by Armstrong.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dumas in view of Shaw and Taniguchi. Dumas discloses the claimed device with the exception of the irrigation and lighting layout. However, as disclosed by Shaw and Taniguchi respectively, such are known in the art and it would have been obvious to have provided them on Dumas' course as well for their inherent purposes.

Lapsker et al., Fitzgerald, Terry, Graham, Jones, and Beam have been cited for interest because they disclose similar courses.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 703-308-1355.

MSG
11/18/04

Mark S. Graham
Primary Examiner
Art Unit 3711